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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/447,256	11/23/1999	NOBUYOSHI NAKAJIMA	2091-0205P	3582
7590	07/01/2004		EXAMINER	
BIRCH STEWART KOLASCH & BIRCH LLP P O BOX 747 FALLS CHURCH, VA 220400747			LAROSE, COLIN M	
			ART UNIT	PAPER NUMBER
			2623	
			DATE MAILED: 07/01/2004	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/447,256	NAKAJIMA, NOBUYOSHI	
	Examiner	Art Unit	
	Colin M. LaRose	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 April 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 23 April 2004 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 3, and 5 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-6 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent 5,850,463 by Horii.

Regarding claims, 1, 3, and 5, Horii discloses an image processing method/apparatus/computer-readable medium (figure 1) for obtaining a layout image signal representing a layout image (“synthesized image data”), in which a plurality of person images

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are laid out, from a plurality of original image signals (G1 and G2), each of the original image signals representing a person image, in which a face pattern of a person is embedded, the method comprising the steps of:

- i) detecting a face candidate region from each of the original image signals, said face candidate region representing a position and/or size of the face pattern of the person in the person image represented by each original image signal ("shape data" corresponding to face candidate regions for images G1 and G2 is detected by the conventional method of deriving wire frames; column 1, lines 36-47);
- ii) performing a pattern matching process for each face pattern represented by said detected face candidate region to calculate an amount of displacement and/or size difference thereof from a normalized value (shape matching processors 11 and 12 match the face candidate regions of G1 and G2 to the reference shape of G3);
- iii) performing a face pattern normalizing process on each of the original image signals based on said detected face candidate region and said calculated amount of displacement and/or size difference, a plurality of normalized image signals being obtained from said face pattern normalizing process (shape interpolation processor 1 uses the pattern matching information to normalize G1 and G2 so that they correspond to G3); and
- iv) laying out a plurality of images, which are represented by said normalized image signals, in a predetermined layout, whereby the layout image signal representing the thus formed layout image is obtained (the "synthesized image data" represents a layout image signal whereby G1 and G2 are overlaid ("layered out") in a predetermined layout).

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Regarding claims 2, 4, and 6, Horii discloses performing the normalization process by using affine transformation (column 10, equation 1).

Regarding claims 8, 10, and 12, Horii discloses only a face outline is utilized for the pattern matching process (i.e. Horii uses only a wire frame outline such as in figure 13 for the pattern matching, rather than the actual image of the face).

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 7, 9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horii in view of “Segmentation and Tracking of Faces in Color Images” by Sobottka et al. (“Sobottka”).

Regarding claims 7, 9, and 11, Horii is silent to detecting the candidate face region in accordance with hue and saturation. Horii simply discloses that facial features represented by a wire frame model are derived from the facial images (column 1, lines 36-47).

Sobottka discloses a process for detecting and tracking a face candidate region. In particular, Sobottka discloses that the face is first detected on the basis of hue and saturation (section 2.1 and figure 1), and then facial features are extracted from the detected face (section 2.2 and figure 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Horii by Sobottka to detect the face candidate regions using hue and saturation since Sobottka teaches that detecting a facial area based on hue and saturation (section 2.1) provides a

small search region from which to extract facial features (section 2.2). In this regard, the entire image need not be searched for salient facial features.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Colin M. LaRose whose telephone number is (703) 306-3489. The examiner can normally be reached Monday through Thursday from 8:00 to 5:30. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au, can be reached on (703) 308-6604. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600 Customer Service Office whose telephone number is (703) 306-0377.

CML
Group Art Unit 2623
26 June 2004



AMELIA M. AU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600